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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME
FOR HEARING DEBTOR'S MOTION
FOR ORDER EXTENDING DEADLINE
TO ASSUME, ASSUME AND ASSIGN,
OR REJECT UNEXPIRED
NONRESIDENTIAL REAL PROPERTY
LEASES PURSUANT TO
11 U.S.C. § 365(d)(4)**

Hearing Date: N/A

Hearing Time: N/A

Cash Cloud, Inc. d/b/a Coin Cloud ("Cash Cloud," or "Debtor"), debtor and debtor-in-possession in the above-captioned Chapter 11 case (the "Chapter 11 Case"), by and through its undersigned counsel, Fox Rothschild LLP, hereby files this *Ex Parte Application For Order Shortening Time For Hearing* (the "Application") on Debtor's *Motion for Order Extending Deadline*

1 to Assume, Assume and Assign, or Reject Unexpired Nonresidential Real Property Leases Pursuant
 2 to 11. U.S. C. § 365(d)(4) (the “Motion”).¹ This Application is made and based upon the following
 3 points and authorities, the *Declaration of Brett A. Axelrod* (the “Axelrod Declaration”) in support
 4 hereof and attached as **Exhibit A** hereto, the Attorney Information Sheet filed concurrently herewith,
 5 and the pleadings and papers on file in the above-captioned chapter 11 case, judicial notice of which
 6 is respectfully requested.

7 WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court
 8 hear the Motion on an order shortening time and requests a hearing date of **June 5, 2023**, and grant
 9 such other and further relief as may be just and proper.

10 Dated this 8th day of May, 2023.

11 **FOX ROTHSCHILD LLP**

12 By: /s/Brett A. Axelrod
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 28 ¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

1 **POINTS AND AUTHORITIES**

2 **I.**

3 Debtor, by this Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of the Local
4 Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the “Local Rules”),
5 seeks an order shortening time for notice and hearing for the Motion.

6 **The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.**

7 Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and
8 a party to file an *ex parte* motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1)
9 provides in relevant part:

10 In General. Except as provided in paragraph (2) of this subdivision,
11 when an act is required or allowed to be done at or within a specified
12 time by these rules or by a notice given thereunder or by order of court,
the court for cause shown may in its discretion with or without motion
or notice order the period reduced.

13 Fed. R. Bankr. P. 9006(c)(1).

14 Courts have generally acknowledged that such expedited relief does not violate due process
15 rights, *even if the motion to shorten time is made ex parte*. “Bankruptcy Rule 9006(c) permits the
16 bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the
17 notice period, and ex parte motions for material reductions in the notice period are routinely granted
18 by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3
19 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019 rev.); In re Gledhill, 76
20 F.3d 1070 (10th Cir. 1996).

21 Cause exists for the Court to shorten time on the Motion. In this case, the 365(d)(4) Deadline
22 falls on June 7, 2023, and any Order granting an extension must be entered before that date. Debtor
23 seeks to extend the 365(d)(4) Deadline by only 37 days to July 14, 2023 (without prejudice to its right
24 to seek further extensions), which Debtor anticipates should be shortly after the Effective Date of a
25 confirmed Plan. The Plan will determine which Leases the Winning Bidder requires be assumed
26 and/or assigned (or otherwise rejected). The Confirmation Hearing is scheduled for June 28, 2023;
27 assuming the Confirmation Order is entered that same day, it will not become final, and the Effective
28 Date will not occur, until July 13, 2023. Therefore, the Debtor seeks an extension of the

Section 365(d)(4) Deadline until July 14, 2023. As noted above, any Order granting the extension must be entered before June 7, 2023.

Copies of the Motion and their related pleadings shall be served on: (a) the Office of the United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) Debtor's secured creditors; and (d) the parties that have filed requests for special notice in the Chapter 11 Case.

Counsel Has Conferred With the Notice Parties.

Prior to filing this Motion, and pursuant to Local Rule 9006, Counsel consulted the parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently herewith and incorporated by reference herein.

II.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Motion on an expedited basis, and seeks a hearing on June 5, 2023 for the Motion and grant such other and further relief as may be just and proper.

Dated this 8th day of May, 2023.

FOX ROTHSCHILD LLP

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EXHIBIT A

DECLARATION AFFIRMING REQUESTED RELIEF

I, Brett A. Axelrod, declare under penalty of perjury that: I am competent to make this declaration under the laws of the United States and the State of Nevada; I have read the above Application for an Order Shortening Time; and the facts stated therein are true and correct to the best of my knowledge, information and belief.

DATED this 8th day of May 2023.

By /s/Brett A. Axelrod
BRETT A. AXELROD